

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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<i>In re</i>	:
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THE FINANCIAL OVERSIGHT AND	:
MANAGEMENT BOARD FOR PUERTO RICO,	:
	:
as representative of	:
	:
THE COMMONWEALTH OF PUERTO RICO,	:
<i>et al.</i> , ¹	:
	:
Debtors.	:
	:
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MOTION FOR LEAVE TO FILE LEGAL BRIEF AS *AMICUS CURIAE* BY
THE OFFICE OF THE COURTS ADMINISTRATION OF THE COMMONWEALTH
OF PUERTO RICO

TO THE HONORABLE COURT:

COMES NOW, the Office of the Courts Administration of the Commonwealth of Puerto Rico (the “OAT,” for its Spanish acronym), through the undersigned counsel, and respectfully submit this motion for leave to file a legal brief as *amicus curiae* in relation to the Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico (“Plan of Adjustment”), see Docket Entry No. 17627, and the “Disclosure Statement for the Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.” (the

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

“Disclosure Statement”), see Docket Entry No. 17628, particularly, as it relates to the Judiciary Retirement System (the “JRS”). A copy of the proposed brief is attached as Exhibit A to the present motion (“Proposed Brief”).

1. Rule 29 of the Federal Rules of Appellate Procedure allows for a party to file a brief only by leave of the court, Fed. R. App. P. 29. Although there are rules governing the participation of *amicus curiae* on appeal, there is no provision in the Federal Rules of Civil Procedure “as to the conditions under which a trial court should permit *amicus* appearances and the restrictions, if any, that should attend its appearance.” *Alliance of Auto. Mfrs. v. Gwadowsky*, 297 F.Supp.2d 305, 306 (D.Me.2003). Nevertheless, “the district court retains ‘the inherent authority’ to appoint *amicus curiae* ‘to assist it in a proceeding.’” *Id.*

2. Considering this inherent authority, the OAT respectfully requests that the Court grant it leave to file an *amicus curiae* brief since the OAT can provide a unique perspective on the impact the proposed modifications to the JRS would have on the operation of the Commonwealth’s judiciary system and the rendering of services to the people of Puerto Rico.

3. On July 30, 2021, the Financial Oversight and Management Board for Puerto Rico (“FOMB”) filed the Plan of Adjustment and the Disclosure Statement. Both documents include pension reform measures that will impact the JRS. In summary, the Plan of Adjustment and the Disclosure Statement establish a ‘freeze’ of pension obligations and the elimination of the Christmas, Summer, and Medicare bonuses, and the elimination of the Cost-of-Living Adjustment (“COLA”), among other strenuous reform measures. Many of these measures will require the modification and/or enactment of legislation, and such legislation would directly contravene the Puerto Rico Constitution, since the reduction in salary and emoluments for the judiciary, as well as the judiciary retirement system, are both constitutionally mandated.

4. Under these circumstances, the OAT is deeply concerned about the effects that the proposed changes to the JRS will have on its ability to attract and retain qualified professionals for the judiciary system, threatening the stability and functionality of the Judicial Branch. Therefore,

allowing the OAT as *amicus* will assist this Court in its decision-making process, as it will receive a broader, more balanced view of the pertinent issues. Thus, the OAT's participation is warranted.

WHEREFORE, the OAT very respectfully requests that the Court allow it to submit the Proposed Brief in support of the *amicus curiae* regarding the proposed JRS reform measures. A copy of the proposed brief is attached as Exhibit A to the present motion ("Proposed Brief").

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date the foregoing was electronically filed with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the participants in said record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22nd day of September 2021.

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